

REGULATION

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Issuing Bureau: Human Resource Services	Rule Reference: Rules: <u>1-9 (Excepted and Exempt Positions)</u> 5-10 (Paid Holidays and Leave)		Replaces: Reg. 5.09 (CS- 69646975 , November 26 May 27, 2001-2002)
Subject: ANNUAL, PERSONAL, AND SCHOOL PARTICIPATION LEAVE			

TABLE OF CONTENTS

1. PURPOSE.....	1
2. CIVIL SERVICE COMMISSION RULE REFERENCE	1
3. STANDARDS.....	444 444
A. Annual Leave.	444 444
B. Personal Leave.....	888 888
C. School Participation Leave.	888 888

1. PURPOSE

This regulation establishes the standards and procedures for paid annual leave, school participation leave and personal leave.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Rule 1-9 Excepted and Exempt Positions

1-9.3 Appointment to Excepted or Exempt Positions

(d) New appointment; reciprocal transfers of annual and sick leave accruals. If an appointing authority hires a person directly from an excepted or exempt position in the executive branch, the appointing authority may request that accrued annual and sick leave balances earned in the excepted or exempt executive branch position be transferred to the classified service. The state

personnel director may authorize a transfer to the same extent that the department of management and budget permits classified employees appointed to an excepted or exempt executive branch position to transfer annual and sick leave balances accrued in the classified service into the unclassified service. Transfers for persons hired from elected positions, the judicial branch, the legislative branch, and state institutions of higher education are not permitted.

Rule 5-10 Paid Holidays and Leave

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5-10.2 Paid Leave

(a) Leave accrual and accumulation.

(1) Annual and personal leave.

- (A) Upon entry into the classified service, an eligible employee is credited with an initial annual leave grant of 16 hours, which is immediately available for use, upon approval of the appointing authority. The 16 hours of annual leave cannot be credited to an employee more than once in a calendar year.
- (B) After completion of 720 hours of paid service in the initial appointment, an eligible employee has annual leave credited in accordance with the following leave table:

Years of Service	Hours of Annual Leave Accrued (for 80 hours of service)	Maximum Accumulation (total hours of annual and personal leave)
Less than 1	4.0	256
1 – 5	4.7	256
5 – 10	5.3	271
10 – 15	5.9	286
15 – 20	6.5	301
20 – 25	7.1	306
25 – 30	7.7	316
30 – 35	8.4	316
35 – 40	9.0	316
40 – 45	9.6	316
45 and above	10.2	316

- (C) An employee paid for less than 80 hours in a biweekly pay period is entitled to a prorated amount of annual leave. Paid service in excess of 80 hours in a biweekly pay period is not counted.

(D) *In addition to annual leave, an eligible employee with at least 6 months of continuous satisfactory service on October 1 of each year is credited with 16 hours of personal leave.*

(E) *An employee may accumulate credited annual and personal leave hours up to the combined maximum authorized in the leave table in subsection (a)(1)(B). Any annual or personal leave hours earned above the maximum accrual cannot be credited and the hours are lost.*

(2) School participation leave. *An eligible employee who has completed 1,040 hours of satisfactory service is credited with 8 hours of school participation leave each October 1. School participation leave credits not used by the last pay period of the fiscal year are lost.*

* * *

(b) Leave use and limitations.

(1) Crediting and use of annual, personal, and school participation leave credits. *An employee is credited with annual, personal, and school participation leave in accordance with the compensation plan. An employee may use annual, personal, and school participation leave when approved by the appointing authority in accordance with the compensation plan.*

* * *

(3) Other limitations. *Annual, personal, school participation, and sick leave cannot be authorized, accumulated, or credited in excess of limits established in the compensation plan.*

(4) Special credit for annual leave and longevity. *Solely for the purpose of annual leave and longevity credit, a career employee is allowed state service credit for the following:*

(A) *Service in a nonelective excepted or exempted position in a principal department, the legislature, or the supreme court, that immediately precedes entry or return to the classified service.*

(B) *Up to five years of honorable service in the armed forces of the United States completed before entry into the classified service. When an employee who has received additional annual leave and longevity separates from the classified service and subsequently returns, military service previously credited is recognized as prior service, subject to requalification for the benefits of this rule.*

3. **STANDARDS**

A. Annual Leave.

1. **Initial Leave Grant** — Upon entry into the classified service a career employee is credited with 16 hours of annual leave. An employee cannot be credited with the initial leave grant more than once per calendar year.
2. **Crediting and Accumulation** — A career employee accrues annual leave for each 80 hours in full pay status in accordance with the annual leave table established by the Civil Service Commission [see rule 5-10.2(a)(1)(B)].
 - a. An employee accrues annual leave with pay in accordance with total (both prior and currently continuous) classified service upon completion of five years (10,400 hours) of currently continuous service. An employee who separates and returns to state service must requalify for additional annual leave.
 - b. Paid service in excess of 80 hours in a biweekly work period is not counted.
 - c. When paid service does not total 80 hours in a biweekly work period, leave credits are pro-rated based on hours in pay status for that pay period.
 - d. Annual leave is credited at the end of each biweekly work period.
 - e. Career employees eligible for special credit for unclassified or military service for annual leave under rule 5-10.2 are subject to the same standards and documentation requirements as for longevity (see regulation 5.05, Longevity Compensation). The employee must enter the classified service within twenty-eight days after leaving a nonelective excepted or exempted position in a principal department, the legislature, or the supreme court.
 - f. An employee is not allowed annual leave accumulation in excess of the maximum listed in the annual leave table, except under the following conditions:
 - (1) An employee is assaulted by a resident, client, or member of the general public, if covered by the following public acts: Public Act 293, 1975 (MCL 791.263a, amending P.A. 232, 1953) for the Department of Corrections; Public Act 414, 1976 (MCL 330.1113, amending P.A. 258, 1974) for the Department of Community Health; Public Act 131, 1978 (MCL

400.1, *et seq.*, amending P.A. 280, 1934) for Family Independence Agency Institutional Employees; and Public Act 452, 1978 (MCL 38.1181) for Department of State employees providing direct services to the public.

- (2) An employee is suspended or dismissed and is subsequently returned to employment with full service benefits.

3. Use of Annual Leave.

- a. An employee may use the initial grant of 16 hours immediately upon hire, with the prior approval of the appointing authority.
- b. An employee cannot use annual leave other than the initial grant until completion of 720 hours in the initial appointment; however, an employee reinstated to state service within 3 years of separation has the 720-hour paid service period waived and can use annual leave immediately upon hire.
- c. An employee may use annual leave only with the prior approval of the appointing authority, except that an employee may use accrued annual leave when an insufficient amount of sick leave exists to cover an absence for which sick leave is normally used. In this circumstance, the standards of regulation 5.10 [Sick Leave] pertaining to use of sick leave apply.
- d. Annual leave is available for use only in biweekly work periods subsequent to the biweekly work period in which it is earned. Annual leave may not be credited or used in anticipation of future leave accruals. In the absence of applicable accrued leave, compensation reductions for lost time will be made for the work period in which the absence occurred.
- e. Annual leave cannot be used to extend employment.
- f. An employee allowed annual leave accumulation in excess of the maximums listed in the annual leave table under the exception in standard A.2.f., is allowed up to one year from the date of return to employment to liquidate the amount of annual leave above the maximum by use of paid time off work.

4. Transfer of Leave.

- a. An employee who moves from one state department to another may transfer up to 80 hours of accrued annual leave. Annual leave in excess of 80 hours up to the maximum may be transferred with the approval of the

appointing authority to whose service the employee moves. An employee is paid in cash at the current rate of pay for unused annual leave that is not transferred.

b. An employee who is hired within twenty-eight days after leaving an excepted or exempt position in the executive branch may transfer accrued annual leave up to the maximum allowed, as specified in rule 5-10.2, into the classified service.

5. **Layoff** — An employee separated by layoff may freeze annual leave up to the accrued balance at time of layoff or be paid off for it. If the employee freezes annual leave, the leave balance is retained until the employee elects to be paid off for the balance or until the employee's recall rights expire, whichever occurs first. The payoff amount is calculated at the employee's last rate of pay.

a. If an employee elects to be paid off for annual leave at the time of separation by layoff, the employee upon recall may buy back annual leave, subject to the following conditions:

- (1) An employee recalled to the department or agency from which laid off may buy back any portion of annual leave up to the amount paid off.
- (2) An employee recalled to a permanent position in a different department or agency may buy back any portion of annual leave that had been paid off, up to 80 hours.
- (3) An employee electing this option must buy back the annual leave at the returning rate of pay.
- (4) Such payment is made to the department or agency that made the original payoff.
- (5) This option may be exercised only once per recall, and must be exercised during the first 13 pay periods of the recall.

6. **Payoff on Retirement, Death, or Separation After Completion of 720 Hours.**

- a. When employment is terminated for any reason after the employee has completed 720 hours of creditable service, the employee or beneficiary is paid for the balance of unused annual leave at the employee's last rate of pay.
- b. Payment for unused annual leave is limited to the applicable maximum listed in the annual leave table of unused credited annual leave. This includes employees who, under the exceptions in standard A.2.f., were permitted to accrue more than the maximum.

- c. Payment for unused annual leave in excess of 240 hours at retirement is not included in final average compensation for calculating the level of retirement benefits.

7. Payoff on Death or Separation Before Completion of 720 Hours.

- a. When employment is terminated for any reason before the employee has completed 720 hours of creditable service, the employee or beneficiary is paid for the balance of any unused hours of the initial 16 hour grant at the employee's last rate of pay.

8. Deferred Hours — Deferred hour credits are administered in the same manner as annual leave.

9. Annual Leave Transfer — A direct leave transfer process and a central leave bank are available to assist nonexclusively represented employees facing financial hardship due to serious injury or prolonged illness of the employee or the employee's dependent spouse, child, or parent. Exceptions to standards for the direct transfer of annual leave to an employee from employees within the same employing department must be approved by the state personnel director prior to the annual leave transfer.

a. General Provisions

- (1) An employee may receive a direct transfer of annual leave from employees within their employing department, or through the central leave bank, subject to the following conditions:
 - (a) The receiving employee must have successfully completed the initial probationary period.
 - (b) The receiving employee must have exhausted all leave credits.
 - (c) The receiving employee's absence must have been approved.
- (2) An employee may receive a combined maximum donation of 240 hours ~~per calendar year~~within a twelve-month period.
- (3) Donations of annual leave (either by direct transfer or to the central leave bank) are irrevocable and are limited to a combined maximum of 40 hours in a calendar year. Donations must be in whole hour increments.
- (4) Unused donated annual leave must be forwarded to the central leave bank.

b. Direct Leave Transfer

- (1) Direct leave transfers must be made before or concurrent with the employee's absence.
- (2) The right to donate and receive hours through direct transfer is not limited to nonexclusively represented employees when a collective bargaining agreement provision allows for similar direct transfer donation of annual leave.
- (3) Direct leave transfer requires a completed direct leave transfer form approved by the appointing authority.

c. Central Leave Bank

- (1) The central leave bank is administered by the Department of Management and Budget, Financial Services.
- (2) Donations of annual leave may be made to the central leave bank during January of each year.
- (3) Donations of leave to the bank and requests for annual leave from the bank require a completed central leave bank transfer form approved by the appointing authority.

B. Personal Leave.

On October 1 of each year, career employees with at least 6 months of continuous satisfactory service are credited with 16 hours of personal leave. These leave hours are credited to an employee's annual leave balance and may be used in accordance with normal requirements for annual leave.

1. A less than full-time employee receives proportionate credit in the same manner as holidays.
2. An employee covered by other paid personal leave credit provisions under a collective bargaining agreement who subsequently moves to a position that is excluded from representation or not covered by a bargained agreement receives appropriate paid personal leave credit immediately upon transfer out of the unit, unless a similar grant was received in the same fiscal year under the bargained agreement.
3. An employee recalled from layoff is credited with the personal paid leave credit on a prorated basis for the balance of the fiscal year.

C. School Participation Leave.

A nonexclusively represented career employee in an indefinite appointment who has completed 1,040 hours of satisfactory service is credited annually with 8 hours of school participation leave to be used in accordance with the following provisions:

1. An employee may use the leave to participate in any educational activity including, but not limited to, tutoring, field trips, classroom programs, and school committees.
2. The use of the leave is for active participation in school-sponsored, secular educational activities by employees, and not after school recreational programs. Additionally, the leave is intended for pre-school education programs, K-12, and adult literacy programs. It is not to be used for college or university-related programs.
3. School participation leave may be used only in increments of one hour, and only for qualifying events occurring during an employee's scheduled work time.
4. An employee must obtain prior approval to use school participation leave on a school participation leave form provided by the appointing authority.
5. School participation leave is credited to employees on each October 1 and will not carry forward beyond the fiscal year.

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to MDCS-BHRS@michigan.gov.

NOTE: Regulations are issued by the State Personnel Director, under authority granted in the *State of Michigan Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.